

PEPPER & CORAZZINI, LLP
ATTORNEYS AT LAW

1776 K STREET, N.W., SUITE 200
WASHINGTON, D.C. 20006-2334

RECEIVED
MAY 15 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

HOWARD J. BARR
EXT. 238
HJB@COMMLAW.COM

(202) 296-0600
FAX (202) 296-5572
WWW.COMMLAW.COM

May 15, 2000

DOCKET FILE COPY ORIGINAL

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
MM Docket No. 00-54; RM-9835**

Dear Ms. Salas:

Transmitted herewith on behalf of Bogata Broadcasting Company is an original and four (4) copies of its Comments and Counterproposal in response to the above-referenced rule making proceeding.

Should any questions arise concerning this matter, please contact this office directly.

Respectfully submitted,



Howard J. Barr

Enclosures

No. of Copies rec'd 014
List ABCDE

Before The
Federal Communications Commission
Washington, D.C. 20554

RECEIVED
MAY 15 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Dkt. No. 00-54
of the Commission's Rules,)	RM-9835
FM Table of Allotments)	
(Mount Pleasant, Texas))	

To: Chief, Allocations Branch

COMMENTS AND COUNTERPROPOSAL

Bogata Broadcasting Company ("BBC"), by its attorney, hereby submits its Comments and Counterproposal requesting that the Commission amend Section 73.202(b) of its Rules, FM Table of Allotments, to allot FM Channel 263A to Bogata, Texas, in lieu of to Mount Pleasant, Texas as proposed in the Notice Of Proposed Rule Making in the above-captioned proceeding. Accordingly, BBC proposes to amend Section 73.202(b) of the Commission's Rules FM Table of Allotments as follows:

	<u>Channel No.</u>
<u>City</u>	<u>Present</u> <u>Proposed</u>
Bogata, Texas	---- 263A

No change in existing allotments is necessary.

1. If the requested allotment is made to Bogata, BBC will apply for a

construction permit for a new FM station on Channel 263A at Bogata, Texas. If BBC is granted a construction permit, it will promptly construct a new FM station to serve Bogata.

2. As demonstrated in the attached Exhibit 1, the allotment of Channel 263A to Bogata, Texas can be accomplished in compliance with all minimum mileage separation requirements.

3. The City of Bogata, Texas has a population of 1,421 based on the 1990 U.S. Census. It is located in Red River County. Bogata was incorporated in 1930 and is governed by a mayor and five council members.¹ Its residents enjoy many public services including the community center and city park. The Rivercrest-Bogata Independent School District is a fully accredited with grades Kindergarten through twelve. Residents have access to two physicians, one dentist, a nursing home, and home health care clinic. Exhibit 2 lists more than sixty commercial establishments and retail businesses with Bogata street addresses. Bogata is served by a weekly newspaper, *The Bogata News*. Bogata also has its own post office and zip code, 75417.

4. The City of Bogata has a Masonic Lodge, Veterans of Foreign Wars outpost, as well as various booster organizations. It also offers various recreational activities, including youth sports programs and athletic fields, and many school

¹ City Hall is located at 128 Main Street, Bogata. Jack Crane, formerly a member of the City Council, is currently the Mayor. There are currently only four council members as Mr. Crane's seat on the council has yet to be filled. The Council is currently comprised of Mr. Randy Kennedy, Mr. Edward Spencer, Mr. Charles Don Lewis and Mr. John Haynes.

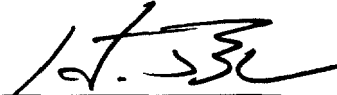
related organizations. Bogata residents worship at six churches located within the city (shown in Exhibit 3).

5. Allotment of Channel 263A will provide Bogata with its first aural service and an essential outlet for local expression. Accordingly, the allotment will serve the public interest.

WHEREFORE, for the foregoing reasons, the Commission should amend Section 73.202(b) of its rules to allot FM Channel 263A to Bogata, Texas.

Respectfully submitted,

**BOGATA BROADCASTING
COMPANY**

By: 
Howard J. Barr
Its Attorney

May 15, 2000

ENGINEERING STATEMENT
IN SUPPORT OF A
COUNTERPROPOSAL

This engineering statement is submitted in support of a counterproposal in the above rulemaking. Bogata Broadcasting Company requests that Channel 263A be allocated to Bogata, Texas. The Notice of Proposed Rule Making in the proceeding proposed the allotment of Channel 263A to Mount Pleasant, Texas. That proposal is mutually exclusive with the allotment of 263A to Bogata, Texas.

Channel 263A can be assigned to Bogata in complete compliance with the Commission's distance separation requirements of 47 CFR 73.207 (Exhibit 1).

From the reference coordinates: N33-23-23 and W95-11-21, the required 70 dbu contour will completely cover the city of Bogata.

Exhibit 1

Allocation Study for Channel 263A – Bogata, Texas

Search Channel: 263
Latitude: 332323

Class: A

5/12/00 11:48:13

Longitude: 951121

<u>Call Sign</u>	<u>Location</u>	<u>Channel</u>	<u>Class</u>	<u>Bearing</u>	<u>Dist(km)</u>	<u>Rqd(km)</u>	
Whitew	Whitewright	260	A	276.97	112.95	31	OK
Lufkin	Lufkin	261	A	169.59	238.96	31	OK
KMOOFM	Mineola	260	A	205.75	78.63	31	OK
KGRI	Mount Enterprise	260	A	164.41	161.09	31	OK
KPXI	Overton	264	C3	174.86	137.82	89	OK
KTPW	Sanger	209	C1	276.55	165.66	22	OK
KDVE	Tatum	262	A	152.78	126.31	72	OK
KDVE	Tatum	262	A	152.72	126.34	72	OK
Van Al	Van Alstyne	260	A	273.37	118.02	31	OK
KPYN	Atlanta	261	C2	98.29	103.64	55	OK
KLTY	Bowie	264	C3	276.62	245.96	89	OK
KDETFM	Center	263	A	154.62	204.18	115	OK
KRBV	Dallas	262	C	241.7	188.29	165	OK
WRR	Dallas	266	C	241.93	188.59	95	OK
KFYZ	Fort Towson	262	A	354.46	72.87	72	Close
KDVE	Henderson	260	C3	165.38	144.76	42	OK
KLTY	Highland Village	264	C	276.56	165.63	165	Close
KLTY	Highland Village	264	C	276.56	165.63	165	Close
KTGS	Ada	210	A	317.87	207.25	10	OK
KYKC	Byng	261	C3	316.5	204.35	42	OK
KYKC	Byng	261	C2	318.16	217.87	55	OK
KHJM	Taft	262	A	352.59	270.93	72	OK
KDAQ	Shreveport	210	C1	123.78	141.94	22	OK
KRMDFM	Shreveport	266	C	123.65	140.93	95	OK
KDELFM	Arkadelphia	265	A	68.02	213.71	31	OK
NEW	Booneville	209	C1	31.85	224.57	22	OK
NEW	Fort Smith	209	C2	24.16	224.74	15	OK
KTCFSM	Fort Smith	260	C	14.1	192.42	95	OK
KBBQFM	Fort Smith	264	C2	20.97	218.08	106	OK
KZHE	Stamps	263	C2	86.92	178.45	166	OK
NEW	Van Buren	210	A	18.36	240.51	10	OK

Exhibit 2

909 Diner 903-632-5719
116 Clarksville Rd
Bogata, TX

Automatic Sprinklers Of Tx 903-632-9003
Rr 1
Bogata, TX

Backroom Floral Designs 903-632-5623
1 Highway 271
Bogata, TX

Bell's Beauty Shop 903-632-4101
N Main St
Bogata, TX

Berry Patch Bakery 903-632-0203
302 Hailsboro St
Bogata, TX

Bogata Auto Parts 903-632-5763
Highway 271
Bogata, TX

Bogata Barber Shop 903-632-4005
120 S Main St
Bogata, TX

Bogata Construction Center 903-632-5215
Highway 271 N
Bogata, TX

Bogata Gas Corporation 903-632-5007
Highway 47 N
Bogata, TX

Bogata Housing Authority 903-632-5574
112 Grayson St
Bogata, TX

Bogata News 903-632-5322
Po Box 310
Bogata, TX

Bogata Paint & Body Shop 903-632-4182
Highway 271 S
Bogata, TX

Bogata Propane-Welchgas 903-632-5341
Highway 271
Bogata, TX

Bogata True Value Hardware 903-632-5634
113 N Main St
Bogata, TX

Bogata Senior Apartments 903-632-5005
Highway 271 S
Bogata, TX

Buckman Drug Store Incorporated 903-632-5811
125 N Main St
Bogata, TX

Care First Home Health Services 903-632-4602
103 N Main St
Bogata, TX

Clip & Curl 903-632-4572
119 N Main St
Bogata, TX

Country Corner 903-632-5298
Highway 909 & Highway 1487
Bogata, TX

Cross Arrow Ranch 903-632-4469
Rr 1 Box 164
Bogata, TX

C & S Collectibles 903-632-5023
Po Box 511
Bogata, TX

Drives & Controls Services 903-632-9595
Rr 1 Box 274
Bogata, TX

Garrison Real Estate 903-632-4346
111 Highway 271
Bogata, TX

G & S Handy Mart 903-632-5217
301 Halesboro Rd
Bogata, TX

Guaranty Bank 903-632-5269
110 Halesboro St
Bogata, TX

Hawk Installation 903-632-4464
Highway 271 S
Bogata, TX

Hay's Garage 903-632-5707
Highway 271
Bogata, TX

Helm Ranch Lake House 903-632-5898
Bogata, TX

Hometown Home Health Services 903-632-4790
214 Hailsboro St
Bogata, TX

Huddleston's 903-632-5624
Rr 2 Box 381
Bogata, TX

Industrial Tarps 903-652-4301
Douglas & 3rd
Bogata, TX

Inez's Beauty Shop 903-632-5139
104 S Sulphur
Bogata, TX

John Town Sheet Metal 903-632-0113
Po Box 926
Bogata, TX

Kim's Kutting Korral 903-632-5834
Highway 271 & Main St
Bogata, TX

Kwik Korner Grocery 903-632-5032
Hwy 271 N Main
Bogata, TX

Lorry's Hair Design 903-632-5969
Highway 271
Bogata, TX

Lyle Williams Plumbing & Rpr 903-632-4646
419 Halesboro St
Bogata, TX

Main Street Florist 903-632-2837
105 N Main St
Bogata, TX

Mary Coffman Restaurant 903-632-9938
146 S Main St
Bogata, TX

Master Pieces 903-632-4968
116 N Main St
Bogata, TX

M C Distributers 903-632-5303
Rr 1 Box 188
Bogata, TX

Milano's Pizza 903-632-5777
105 Sw 2nd St
Bogata, TX

Moore's Texaco 903-632-5404
Highway 271
Bogata, TX

Movie Shoppe li 903-632-5586
104 S Main St
Bogata, TX

Nails By Nelda 903-632-5877
411 S Howison St
Bogata, TX

Neeley Electric 903-632-0210
Rr 1 Box 231
Bogata, TX

Porterfield & Guess Cnstrctn 903-632-5833
420 S Bryson St
Bogata, TX

Rational Resources 903-632-4661
Rr 1 Box 55
Bogata, TX

Red River Drilling 903-632-5819
132 Highway 37
N
Bogata, TX

Red River Healthcare Center 903-632-
5756
319 Paris Rd
Bogata, TX

Rosalie Store 903-632-4835
Rr 1 Box 108
Bogata, TX

Scott's Overhead Doors 903-632-4090
Po Box 265
Bogata, TX

Sharon's Beauty Shop 903-632-5887
Po Box 623
Bogata, TX

Skaggs Auto Parts 903-632-5878
Highway 37
Bogata, TX

St Joseph's Family Clinic 903-632-9102
605 N Main St
Bogata, TX

Texas New Mexico Power Corporation 903-632-5762
157 N Main St
Bogata, TX

Theratx 903-632-0205
319 Paris Rd
Bogata, TX

Tip Top Dry Cleaning 903-632-5115
Highway 271
Bogata, TX

Tnt Tina's Nails & Tanning 903-632-9972
2115 N Hwy 37
Bogata, TX

Tri-County Waste Water 903-632-4524
Highway 271 S
Bogata, TX

Tvt Construction 903-632-5365
103 Nw 2nd St
Bogata, TX

War Ranch 903-632-5474
Rr 1
Bogata, TX

White Robert G Dds 903-632-5212
123 S Main St
Bogata, TX

Exhibit 3

Church Of God 903-632-5539
Highway 271 S
Bogata, TX

First Assembly Of God 903-632-4311
Highway 271 S
Bogata, TX

First Baptist Church 903-632-5218
801 N Main St
Bogata, TX

Freehope Baptist Church 903-632-5239
Bogata, TX

Johnstown Missionary Baptist 903-632-5493
Rr 1 Box 216
Bogata, TX

United Methodist Church 903-623-2020
202 N Main
Bogata, TX

CERTIFICATE OF SERVICE

I, Lisa A. Skoritoski, a secretary in the law firm of Pepper & Corazzini, L.L.P., do hereby certify that on this 15th day of May, 2000, copies of the foregoing Counterproposal were mailed, postage prepaid, to the following:

Mr. Leo Ashcraft
Mr. Michael Celenza
Celenza Communications
41 Kathleen Crescent
Coram, NY 11727



Lisa A. Skoritoski